UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,639	01/22/2004	Chistopher J.F. Waters	20880-08515	7687

758 7590 09/12/2007

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER	
PATEL, HARESH N	
ART UNIT	**PAPER NUMBER**
2154	

NOTIFICATION DATE	DELIVERY MODE
09/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gsueoka@fenwick.com
ptoc@fenwick.com
aprice@fenwick.com

MN

Office Action Summary	Application No.	Applicant(s)	
	10/763,639	WATERS, CHISTOPHER J.F.	
	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are subject to examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The present title, Active management for SOHO Networking, is too broad and is not sufficient for proper classification of the claimed subject matter.

Drawings

3. The figures submitted on 1/22/04 are acknowledged.

Claim Objections

4. Claims 1-18 are objected to because of the following informalities:

Claim 1 mentions, "computer, an active management", which should be --computer, and an active management--; "a active", which should be --an active--;

Claim 8 mentions, "the a set", which should be --a set--

Claim 9 mentions, "device, a method", which should be --device implementing a method--; "a active", which should be --an active--;

Claim 17 mentions, "device, a system", which should be --device, and a system--

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-8, 17, 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. The claims 1-8, 17, 18 claim a system having modules / means for that are not limited to hardware and hence do not fall into any of the statutory categories.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Young et al. 2003/0093563 (Hereinafter Young).

8. Referring to claim 1, Young discloses in a SOHO network having a SOHO network device and an active management computer, an active management system for controlling real-

time operation of the SOHO network device (e.g., page 3) comprising: a active management console module configured to operate in the active management personal computer (e.g., page 3);, the active management console module for enabling real-time communication of active management queries between the SOHO network device and a user at the active management personal computer during operation of the SOHO network device (e.g., page 3); and an active management agent module configured to operate in the SOHO network device for communicating real-time active management queries between the active management console module and the SOHO network device (e.g., page 4).

9. Referring to claim 2, Young discloses the claimed limitations as rejected above. Young also discloses a firewall module configured to operate in the SOHO network device and communicatively coupled to the console agent for implementing firewall rules in response to query responses from a user (e.g., page 3).

10. Referring to claim 3, Young discloses the claimed limitations as rejected above. Young also discloses wherein the active management agent module further comprises a memory device for storing a set of lists (e.g., page 5).

11. Referring to claim 4, Young discloses the claimed limitations as rejected above. Young also discloses wherein the set of lists comprises at least one of an approved internal IP address list, an approved destination IP addresses and ports list, a content managed computer identifier list, and a content approved URL and Domain Name list (e.g., page 5).

12. Referring to claim 5, Young discloses the claimed limitations as rejected above. Young also discloses a second active management console module operating in a second active management personal computer in the SOHO network (e.g., page 4).

13. Referring to claim 6, Young discloses the claimed limitations as rejected above. Young also discloses wherein the active management console module is implemented in software executable by a processor in a personal computer (e.g., page 3).

14. Referring to claim 7, Young discloses the claimed limitations as rejected above. Young also discloses wherein the active management agent module is implemented in software executable by a processor in the SOHO network device (e.g., page 5).

15. Referring to claim 8, Young discloses the claimed limitations as rejected above. Young also discloses wherein the active management agent module and the active management console module include a protocol stack, the protocol stack for enabling communications between the active management agent module and the active management console module to implement the a set of active management gateway functions (e.g., page 4).

16. Referring to claim 9, Young discloses in a SOHO network having an active management computer and a gateway device, a method for enabling real-time user input for implementing active management gateway functions (e.g., page 3), the method comprising: receiving one or

more data packets that trigger a code to implement an active management gateway function (e.g., page 3); in response to receiving the one or more data packets, sending an active management query from the gateway device to a active management console module at the active management computer (e.g., page 3); receiving an active management query response from the active management console module at the active management computer (e.g., page 3); and in response to receiving the active management query response, implementing the active management gateway function at the gateway device according to the information provided in the active management query response (e.g., page 4).

17. Referring to claim 10, Young discloses the claimed limitations as rejected above. Young also discloses displaying options based on the active management query to a user at the active management personal computer (e.g., page 5).

18. Referring to claim 11, Young discloses the claimed limitations as rejected above. Young also discloses wherein the active management gateway function is a user input based firewall rule (e.g., page 5).

19. Referring to claim 12, Young discloses the claimed limitations as rejected above. Young also discloses wherein the active management gateway function is a real-time, personal, content-filtering function to prompt a user at the active management computer for access authorization based on one of a domain name or a URL (e.g., page 4).

20. Referring to claim 13, Young discloses the claimed limitations as rejected above. Young also discloses in response to receiving an active management query response from the active management console module indicating an access grant to a domain name, storing an identifier corresponding to the domain name with an access rule to be automatically implemented for subsequent accessing of said domain (e.g., page 3).

21. Referring to claim 14, Young discloses the claimed limitations as rejected above. Young also discloses wherein the active management gateway function is a real-time, user access authorization function to prompt a user at the active management personal computer for access authorization to a WAN for a second personal computer in the SOHO network (e.g., page 4).

22. Referring to claim 15, Young discloses the claimed limitations as rejected above. Young also discloses wherein the access authorization is based on one of a user name or a network computer identification (e.g., page 5).

23. Referring to claim 16, Young discloses the claimed limitations as rejected above. Young also discloses wherein implementing active management gateway function includes a creating an ALG at the SOHO network device in response to a user approval of a suggested ALG authorization request included in the active management query (e.g., page 4).

24. Referring to claim 17, Young discloses in a SOHO network having an active management computer and a gateway device, a system for enabling real-time user input for

implementing active management gateway functions (e.g., page 3), the system comprising: means for receiving one or more data packets that trigger a code to implement an active management gateway function (e.g., page 3); means for sending an active management query from the gateway device to an active management computer in response to receiving the one or more data packets (e.g., page 3); means for receiving an active management query response from the active management computer; and means for implementing the active management gateway function at the gateway device according to the information provided in the active management query response in response to receiving the active management query response (e.g., page 4).

25. Referring to claim 18, Young discloses the claimed limitations as rejected above. Young also discloses means for displaying options based on the active management query to a user at the active management personal computer (e.g., page 4).

26. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dixon et al. 2006/015935, Microsoft Corporation (Hereinafter Dixon-Microsoft).

27. Referring to claim 1, Dixon-Microsoft discloses in a SOHO network having a SOHO network device and an active management computer, an active management system for controlling real-time operation of the SOHO network device (e.g. page 4) comprising: a active management console module configured to operate in the active management personal computer (e.g., page 3), the active management console module for enabling real-time communication of active management queries between the SOHO network device and a user at the active

management personal computer during operation of the SOHO network device (e.g., page 3); and an active management agent module configured to operate in the SOHO network device for communicating real-time active management queries between the active management console module and the SOHO network device (e.g., page 4) .

28. Referring to claim 2, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses a firewall module configured to operate in the SOHO network device and communicatively coupled to the console agent for implementing firewall rules in response to query responses from a user (e.g., page 4).

29. Referring to claim 3, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the active management agent module further comprises a memory device for storing a set of lists (e.g., page 5).

30. Referring to claim 4, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the set of lists comprises at least one of an approved internal IP address list, an approved destination IP addresses and ports list, a content managed computer identifier list, and a content approved URL and Domain Name list (e.g., page 5).

31. Referring to claim 5, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses a second active management console module operating in a second active management personal computer in the SOHO network (e.g., page 4).

32. Referring to claim 6, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the active management console module is implemented in software executable by a processor in a personal computer (e.g., page 3).

33. Referring to claim 7, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the active management agent module is implemented in software executable by a processor in the SOHO network device (e.g., page 3).

34. Referring to claim 8, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the active management agent module and the active management console module include a protocol stack, the protocol stack for enabling communications between the active management agent module and the active management console module to implement the a set of active management gateway functions (e.g., page 3).

35. Referring to claim 9, Dixon-Microsoft discloses in a SOHO network having an active management computer and a gateway device, a method for enabling real-time user input for implementing active management gateway functions (e.g., page 4), the method comprising: receiving one or more data packets that trigger a code to implement an active management

gateway function (e.g., page 5); in response to receiving the one or more data packets, sending an active management query from the gateway device to a active management console module at the active management computer (e.g., page 5); receiving an active management query response from the active management console module at the active management computer (e.g., page 5); and in response to receiving the active management query response, implementing the active management gateway function at the gateway device according to the information provided in the active management query response (e.g., page 5).

36. Referring to claim 10, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses displaying options based on the active management query to a user at the active management personal computer (e.g., page 4).

37. Referring to claim 11, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the active management gateway function is a user input based firewall rule (e.g., page 3).

38. Referring to claim 12, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the active management gateway function is a real-time, personal, content-filtering function to prompt a user at the active management computer for access authorization based on one of a domain name or a URL (e.g., page 5).

39. Referring to claim 13, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses in response to receiving an active management query response from the active management console module indicating an access grant to a domain name, storing an identifier corresponding to the domain name with an access rule to be automatically implemented for subsequent accessing of said domain (e.g., page 4).

40. Referring to claim 14, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the active management gateway function is a real-time, user access authorization function to prompt a user at the active management personal computer for access authorization to a WAN for a second personal computer in the SOHO network (e.g., page 4).

41. Referring to claim 15, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein the access authorization is based on one of a user name or a network computer identification (e.g., page 6).

42. Referring to claim 16, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses wherein implementing active management gateway function includes a creating an ALG at the SOHO network device in response to a user approval of a suggested ALG authorization request included in the active management query (e.g., page 5).

43. Referring to claim 17, Dixon-Microsoft discloses in a SOHO network having an active management computer and a gateway device, a system for enabling real-time user input for implementing active management gateway functions (e.g., page 4), the system comprising: means for receiving one or more data packets that trigger a code to implement an active management gateway function (e.g., page 3); means for sending an active management query from the gateway device to an active management computer in response to receiving the one or more data packets (e.g., page 3); means for receiving an active management query response from the active management computer; and means for implementing the active management gateway function at the gateway device according to the information provided in the active management query response in response to receiving the active management query response (e.g., page 4).

44. Referring to claim 18, Dixon-Microsoft discloses the claimed limitations as rejected above. Dixon-Microsoft also discloses means for displaying options based on the active management query to a user at the active management personal computer (e.g., page 4).

Conclusion

Multiple references are used for the rejections to demonstrate that several references disclose the broadly claimed subject matter of the claims.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings

of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh Patel/

Haresh Patel

August 28, 2007